

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

USCA Docket Number:

USDC Docket Number : 04-cv-12717

Luis F. Rivera Jr.

v.

David Nolan, et al

CLERK'S CERTIFICATE

I, Sarah A. Thornton, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed documents as indicated on the certified copy of the docket and contained in Volume(s) I are the original pleadings and constitute the record on appeal in the above entitled case for the Notice of Appeal filed on 9/16/05.

In testimony whereof, I hereunto set my hand and affix the seal of this Court on September 22, 2005.

Sarah A. Thornton, Clerk of Court

By: 

Jeanette Ramos, Deputy Clerk

Receipt of the documents in the above entitled case is hereby acknowledged this date: 9/22/05.


Deputy Clerk, US Court of Appeals

Please complete the following information:

COURT OF APPEALS DOCKET NUMBER ASSIGNED: _____

APPEAL

**United States District Court
District of Massachusetts (Boston)
CIVIL DOCKET FOR CASE #: 1:04-cv-12717-RCL**

Rivera v. Nolan
Assigned to: Judge Reginald C. Lindsay
Cause: Petition for writ of habeas corpus

Date Filed: 12/28/2004
Jury Demand: None
Nature of Suit: 530 Habeas
Corpus (General)
Jurisdiction: Federal Question

Petitioner

Luis Rivera

represented by **Luis Rivera**
W-52832
P.O. Box 43
Norfolk, MA 02056
PRO SE

V.

Respondent

David Nolan
Superintendent

represented by **Maura D. McLaughlin**
Office of the Attorney General
One Ashburton Place, 18th Floor
Boston, MA 02108
617-727-2200, ext 2857
Fax: 617-727-5755
Email:
maura.mclaughlin@ago.state.ma.us

*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Date	#	Docket Text
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Filed		
12/28/2004	<u>1</u>	PETITION for writ of habeas corpus pursuant to 28:2254 § 5, receipt number 61106, filed by Luis Rivera. (Attachments: # <u>1</u> Attachment)(Stanhope, Don) (Entered: 12/30/2004)
12/28/2004	<u>2</u>	MOTION for New Trial with Evidentiary Hearing and Assignment of Counsel Requests. by Luis Rivera. (Stanhope, Don) (Entered: 12/30/2004)
01/03/2005	<u>3</u>	Judge Reginald C. Lindsay : Electronic ORDER entered. SERVICE ORDER re 2254 Petition. Order entered pursuant to R.4 of the Rules governing Section 2254 cases for service on respondents. Answer/responsive pleading due w/in 20 days of rcpt of this order.(Hourihan, Lisa) (Entered: 01/03/2005)
02/01/2005	<u>4</u>	MOTION to Dispense with Conference Requirements of Local Rule 7.1 by David Nolan.(McLaughlin, Maura) (Entered: 02/01/2005)
02/01/2005	<u>5</u>	MOTION to Dismiss <i>Petition for Writ of Habeas Corpus as Time-Barred</i> by David Nolan.(McLaughlin, Maura) (Entered: 02/01/2005)
02/01/2005	<u>6</u>	MEMORANDUM in Support re <u>5</u> MOTION to Dismiss <i>Petition for Writ of Habeas Corpus as Time-Barred</i> filed by David Nolan. (McLaughlin, Maura) Additional attachment(s) added on 2/4/2005 (Stanhope, Don). (Entered: 02/01/2005)
02/08/2005	<u>7</u>	Petitioner's Preliminary Opposition to <u>5</u> Respondent's MOTION to Dismiss <i>Petition for Writ of Habeas Corpus as Time-Barred</i> filed by Luis Rivera. (Attachments: # <u>1</u> Affidavit)(Stanhope, Don) (Entered: 02/10/2005)
02/08/2005	<u>8</u>	Petitoner's Cross- MOTION to Appoint Counsel for Habeas Rule 8 Full Evidentiary Hearing. filed by Luis Rivera.(Stanhope, Don) (Entered: 02/10/2005)

02/09/2005	●	Judge Reginald C. Lindsay : Electronic ORDER entered granting <u>4</u> Motion To Dispense with the Conference Requirement of Local Rule 7.1 filed by David Nolan. Any motion filed pursuant to this order shall: state the following in a prominent place thereon: "By order of the court, the moving party was not required to confer with other parties before filing this motion." (Hourihan, Lisa) (Entered: 02/09/2005)
05/21/2005	●	Judge Reginald C. Lindsay : Electronic ORDER entered denying <u>8</u> Petitioner's Motion to Appoint Counsel, without prejudice to a renewal of the motion should the court determine that an evidentiary hearing is necessary for the resolution of the issues raised in the petition. (Lindsay, Reginald) (Entered: 05/21/2005)
05/23/2005	● <u>9</u>	NOTICE of Change of Address filed by Luis Rivera (Stanhope, Don) (Entered: 05/23/2005)
06/08/2005	● <u>10</u>	MOTION to Amend/or Supplement the Pleadings by Luis Rivera.(Bell, Marie) (Entered: 06/09/2005)
06/08/2005	● <u>11</u>	AFFIDAVIT of Luis F. Rivera re <u>10</u> MOTION to Amend/or Supplement the Pleadings by Luis Rivera. (Bell, Marie) (Entered: 06/09/2005)
06/17/2005	● <u>12</u>	Judge Reginald C. Lindsay : ORDER entered granting <u>5</u> Motion of respondent to dismiss petition for writ of habeas corpus as time-barred; finding as moot <u>10</u> Motion of petitioner to amend/or supplement the pleadings; and finding as moot <u>2</u> Motion of petitioner for new trial with evidentiary hearing and assignment of counsel requests. The reasons for these rulings are set forth in the accompanying memorandum and order. The clerk shall enter a judgment for the respondent, dismissing the petition and shall terminate this case on the court's docket.(Lindsay, Reginald) (Entered: 06/17/2005)

06/21/2005	<u>13</u>	Judge Reginald C. Lindsay : ORDER entered. JUDGMENT in favor of respondent against petitioner (Hourihan, Lisa) (Entered: 06/21/2005)
06/28/2005	<u>14</u>	MOTION to Amend <u>13</u> Judgment by Luis Rivera. (Patch, Christine) (Entered: 06/29/2005)
07/12/2005	<u>15</u>	MOTION to Withdraw <u>14</u> MOTION to Amend <u>13</u> Judgment by Luis Rivera, FILED.(Boyce, Kathy) (Entered: 07/14/2005)
07/12/2005	<u>16</u>	MOTION for Reconsideration of <u>12</u> Order by Luis Rivera, FILED, c/s. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B)(Boyce, Kathy) (Entered: 07/14/2005)
09/08/2005		Judge Reginald C. Lindsay : Electronic ORDER entered withdrawing <u>14</u> Motion to Amend, granting <u>15</u> Motion to Withdraw, denying <u>16</u> Motion for Reconsideration (Hourihan, Lisa) (Entered: 09/08/2005)
09/16/2005	<u>17</u>	NOTICE OF APPEAL by Luis Rivera. \$ 255 NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 10/11/2005. (York, Steve) (Entered: 09/19/2005)